

Notice of Allowability

Application No.

09/609,017

Examiner

Igor N. Borissov

Applicant(s)

WALKER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI Decision of 12/06/2006.
2. ☒ The allowed claim(s) is/are 3-14, 26-29 and 34-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

IGOR N. BORISSOV
PRIMARY EXAMINER

Response to Amendment

Based on BPAI Decision of 12/06/2006, Claim Rejections under 35 USC § 112, 35 USC § 101 and 35 USC § 103 have been withdrawn.

Allowable Subject Matter

Claims 3-14, 26-29 and 34-51 are allowed.

The following is an examiner's statement of reasons for allowance:

Each independent claim 3, 11, 26, 28, 34, 36, 38, 39, and 51 requires that a first medicine container is capable of communicating with a second medicine container. The best prior art, Reber et al. (US 5,950,632) discloses two-way communication, which preferably is wireless, between a medical communication apparatus (20) and at least one medicine container (26). However, Reber et al. does not teach that the first container wirelessly communicates with the second container. Andrews, (US 5,757,271), which is applied for this feature, discloses providing security for an electronic device, wherein a first portable security device (portable computer) wirelessly communicates with a second portable security device (remote unit) to determine whether the second security device is within a selected proximity of the first security device. However, as stated in BPAI Decision, there is no motivation, except that coming from the appellants' disclosure, to combine the references.

The best NPL prior art, "Electronic monitoring gains more acceptance: formerly clunky devices now cheap, user-friendly; devices to track medication compliance", American Health Consultants Inc. Aids Alert: February, 1998, No.2, Vol. 13, Pg 21, ISSN: 0887-0292, while teaching monitoring compliance of patients with a prescribed schedule for taking medicine by wirelessly communicating information regarding each

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bottle-opening event to a base station, fails to disclose wireless communication between containers.

The best foreign art, Huang et al. (GB 2240543 A) appears to disclose a medicine dispensing device equipped with means to monitor dispensing activity. However, Huang et al. fails to disclose wireless communication between dispensing containers.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 703-305-4649. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

3/18/2007



IGOR N. BORISSOV
PRIMARY EXAMINER